

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

WANDA DIANE CONARY,

Plaintiff,

v.

Civil Action No. 2:18-CV-01228

ANDREW SAUL,
Acting Commissioner of the
Social Security Administration,

Defendant.

MEMORANDUM OPINION AND ORDER

The court having received the Proposed Findings and Recommendations of United States Magistrate Judge Cheryl A. Eifert, entered June 25, 2019; and the magistrate judge having recommended that the court grant the plaintiff's request for judgment on the pleadings to the extent that it requests remand of the Commissioner's decision, deny the defendant's request to affirm the decision of the Commissioner, reverse the final decision of the Commissioner, and remand this matter pursuant to 42 U.S.C. § 405(g) for further administrative proceedings; and no objection having been filed to the Proposed Findings and Recommendations, it is ORDERED that:

1. The findings made in the Proposed Findings and Recommendations of the magistrate judge be, and they hereby are, adopted by the court and incorporated herein;

2. The plaintiff's request for judgment on the pleadings be, and it hereby is, granted to the extent that it requests remand of the Commissioner's decision;

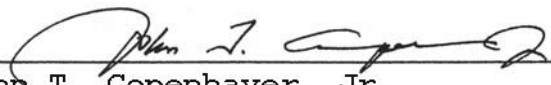
3. The Commissioner's request to affirm the decision of the Commissioner be, and it hereby is, denied;

4. The final decision of the Commissioner be, and it hereby is, reversed; and

5. This action be, and it hereby is, remanded to the Commissioner for further administrative proceedings consistent with the magistrate judge's Proposed Findings and Recommendations.

The Clerk is directed to forward copies of this written opinion and order to all counsel of record and United States Magistrate Judge Cheryl A. Eifert.

DATED: July 16, 2019



John T. Copenhaver, Jr.
Senior United States District Judge